

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

|                                    |   |                   |
|------------------------------------|---|-------------------|
| CHARLES MACKEY,                    | : |                   |
|                                    | : |                   |
| Petitioner                         | : |                   |
|                                    | : |                   |
| v.                                 | : | 1:04-CV-182 (WLS) |
|                                    | : |                   |
| JIMMY AUTRY STATE PRISON, et. al., | : |                   |
|                                    | : |                   |
| Respondents                        | : |                   |
|                                    | : |                   |

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**ORDER**

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge (Doc. 35), filed on June 19, 2006. It is recommended that Petitioner's Motion for Preliminary Injunction or Temporary Restraining Order (Doc. 22) be denied, and that Petitioner's Motion for Default Judgment (Doc. 27) be denied. (Doc. 35). Petitioner filed a timely objection to the instant Report and Recommendation on July 3, 2006. (Doc. 37).

In his Recommendation, the Magistrate Judge found that Petitioner's instant motion for injunctive relief revisits his earlier motion for injunctive relief denied by the Court on its March 20, 2006 Order. (Doc. 35; *see also* Doc. 32). It was further found that Plaintiff does not present additional grounds upon which to base injunctive relief aside from those considered in connection with his earlier motion. (Doc. 35). Accordingly, it is recommended that the instant motion for injunctive relief be denied. *Id.*

As to Plaintiff's Motion for Default Judgment, it was found that Plaintiff seeks a default judgment against the Court or Defendant based on the lack of response to his motion for injunctive relief. It was found that there was no basis for the entry of default or a default judgment against either the Court or Defendant on these grounds. Accordingly, it is recommended that the motion for default judgment be denied. *Id.* Plaintiff's objections are reiterations of arguments made in his motion and adequately addressed in the Recommendation. (See Doc. 36).

Upon full review and consideration upon the record, the Court finds that said

Recommendation (Doc. 35) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein, together with the findings made and conclusions reached herein. Accordingly, the Petitioner's Motion for Preliminary Injunction or Temporary Restraining Order (Doc. 22) is **DENIED**; and Petitioner's Motion for Default Judgment (Doc. 27) is **DENIED**.

**SO ORDERED**, this 12<sup>th</sup> day of July, 2006.

/s/W. Louis Sands  
**W. LOUIS SANDS, CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**